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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,568	01/23/2004	Gert-Jan Heerens	081468-0307814	3196
909	7590	07/18/2005	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			NGUYEN, HUNG	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2851	

DATE MAILED: 07/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/762,568

Applicant(s)

HEERENS ET AL.

Examiner

Hung Henry V. Nguyen

Art Unit

2851

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See attachments. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____.
13. ☐ Other: _____.


Hung Henry V. Nguyen
Primary Examiner
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Response to Arguments

1. Applicant's remarks in conjunction with the Amendment filed July 5, 2005 have been carefully reviewed but they are not found persuasive to place the present invention in condition for allowance. Firstly, the amendment to claim 15 would required further search and/or consideration and accordingly the proposed amendment will not be entered. The applicant argues that the entry of this amendment do not require any further consideration as the changes in corporate, in one form or another, features that were included in prior claim amendments and should have been already search and considered (see page 13 of Applicant's remark). The applicant does not specifically mention what "prior claim" included the newly added features to claim 15. Therefore, the Examiner assumes that the applicant mentions claim 1. The Examiner respectfully disagrees with the Applicant because while claim 1 recites the alternative recitation of "determining position and orientation of said at least one of said patterning device and said substrate relative to a reference point on said carrier structure and adjusting said position and orientation of said at least one of said patterning device and said substrate in accordance with said reference point and adjusting said position and orientation of said at least one of said patterning device and said substrate in accordance with said reference point", amended claim 15 adds the recitation of " determining position and orientation of said patterning device relative to a reference point on a carrier structure that supports said patterning device during the introduction of said patterning device into said conditioned chamber and adjusting said position and orientation of said patterning device based on said reference point". As two mentioned conditions are not equivalent, it is not correct in saying that "this amendment do not require any

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further consideration as the changes in corporate, in one form or another, features that were included in prior claim amendments and should have been already search and considered”.

Secondly, with respect to 103 (a) rejection of claims 1-14 under the references of Shiraishi’211 and Nishi’491, the Applicant argues that nowhere in Nishi suggests alignment operations **prior to** loading the wafers onto the wafer stages. The Examiner’s position is : the limitations on which the applicant’s relies (for example, alignment operations **prior to** loading the wafers onto the wafer stages) are not stated in the claims. As discussed, Shiraishi’s 221 teaches “a carrier structure, couple to the actuator, configured to support said at least one of said patterning device and said substrate during the introduction into said condition chamber” (see carriers (26, 20); or (49, 43)). Nishi teaches determining position and orientation of the wafer relative to a reference point on the wafer carrier and the rejection here is made under 35 U.S.C. 103(a) and the combination of Shiraishi’221 and Nishi’491 meets all of the structures as claimed.

For the foregoing reasons, the rejection of claims 1-14 under the references of Shiraishi and Nishi are maintained.

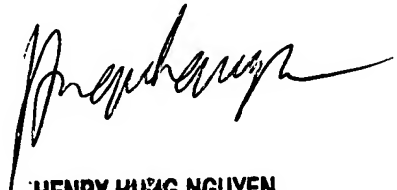
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V. Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hvn
7/14/05



HENRY HUNG NGUYEN
PRIMARY EXAMINER